THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20121 OF 2005

DATED:13.9.2005

Between:

Dondu Ram

…Petitioner

And

The Mandal Revenue Officer,

Bahadurpura Mandal, Hyderabad District

At Bahadurpura, Hyderabad

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20121 OF 2005

ORDER:

The petitioner is a pensioner. He alleges that he purchased 177 Sq.yards of house site in Bandlaguda (Murli Nagar), Hyderabad under registered sale deed along with house bearing No.19-1-924/A/59 and paying municipal taxes regularly. He alleges that on 8.9.2005 the Mandal Revenue Officer, Bahadurpura Mandal threatened to demolish the structures alleging that the petitioner is encroacher. Assailing the said action, present Writ Petition is filed.

Learned Assistant Government Pleader for Revenue, on instructions, submits that the land in T.S.No.7, Block-A, Ward No.39, correlated to R.S.No.14 of Bandlaguda Village was acquired as surplus in the proceedings under Urban Land (Ceiling and Regulation) Act, 1976 (for short, the ULC Act) and that the surplus land was taken

possession by the Government officials on 25.5.1995 which was subsequently handed over to Education Department for construction of school building on 18.6.2004. The necessary material is also placed before this Court, which would prove the submission made by the State.

Learned counsel for the petitioner, Sri P.Narasing Rao, submits that the petitioner was not given any notice and that there are many houses in the locality. This submission is misconceived.

As per the provisions of the ULC Act when once the land is declared to be surplus, final notice will be published under Section 8(4) of the Act and on publication of notification under Section 10(1) of the Act the land absolutely vests in the State and no person can claim possession validly. Therefore, even if the allegation made by the petitioners that respondent asked the petitioner vacate the land is correct, a Writ in his favour cannot be issued as it amounts to legalizing an illegal act.

The Writ Petition is therefore dismissed. No costs.

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(V.V.S.RAO, J)

13.9.2005

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